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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,830	03/26/2001	Sangita R. Sharma	42390P10455	7805

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EXAMINER

VO, HUYEN X

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

**Application No.**

09/817,830

**Applicant(s)**

SHARMA ET AL.

**Examiner**

Huyen Vo

**Art Unit**

2655

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.  
    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-40 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
        1. ☐ Certified copies of the priority documents have been received.  
        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see amendment pages 8-10, filed 6/4/2004, with respect to the rejection(s) of claim(s) 1-40 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kanevsky et al. (US Patent No. 6442519).

*Claim 6 is objected to as missing text.*

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-13, 15-28, and 30-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanevsky et al. (US Patent No. 6442519).

4. Regarding claim 1, Kanevsky et al. disclose an apparatus comprising: a server to couple to a client device having speech recognition functionality (*figure 1, client devices 102-104 and server 106*); and an acoustic model adaptor



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locatable at the server to adapt an acoustic model for the client device (*col. 7, ln. 19 to col. 8, ln. 64*).

5. Regarding claims 11 and 26, Kanevsky et al. disclose a method and machine-readable medium having stored thereon instructions, comprising: storing a copy of an acoustic model for a client device having speech recognition functionality (*col. 4, ln. 29-46*); receiving speech data from the client device (*col. 4, ln. 29-65*); and adapting the acoustic model for the client device (*col. 7, ln. 19 to col. 8, ln. 64*).

6. Regarding claim 21, Kanevsky et al. disclose a system comprising: a server to couple to a client device having speech recognition functionality, the client device and server being coupled through a network (*figure 1, client devices 102-104 and server 106*); and an acoustic model adaptor locatable at the server to adapt an acoustic model for the client device (*col. 7, ln. 19 to col. 8, ln. 64*).

7. Regarding claim 36, Kanevsky et al. disclose an apparatus comprising: means for storing a copy of an acoustic model for a client device having speech recognition functionality (*col. 4, ln. 29-46*); and means for adapting the acoustic model for the client device based upon speech data received from the client device (*col. 7, ln. 19 to col. 8, ln. 64*).



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8. Regarding claims 2, 12, 22, 27, and 37, Kanevsky et al. further disclose that the client device is a mobile computing device (*PDA 104 in figure 1*).

9. Regarding claim 3, Kanevsky et al. further disclose that the server is coupled to the client device through a network (*figure 1*).

10. Regarding claims 5, 15, and 30, Kanevsky et al. further disclose that the client device includes local memory to store extracted speech feature data (*col. 4, ln. 29-46, local acoustic model is represented by speech features*).

11. Regarding claims 6-7, Kanevsky et al. further disclose that the acoustic model adaptor of the server receives digitized raw speech data and extracted speech feature data when there is a network connection between the client device and the server (*col. 4, ln. 29-65*).

12. Regarding claims 8, 18, 23, 33, and 38, Kanevsky et al. further disclose that the acoustic model adaptor of the server adapts the acoustic model for the client device based upon at least one of digitized raw speech data or extracted speech feature data received from the client device when there is a network connection between the client device and the server (*col. 4, ln. 29-65 and col. 7, ln. 19 to col. 8, ln. 64*).



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13. Regarding claims 9-10, 19-20, 24-25, 34-35, and 39-40, Kanevsky et al. further disclose that the server stores the adapted acoustic model (*col. 7, ln. 19 to col. 8, ln. 64*), and the client device downloads and stores the adapted acoustic model (*col. 7, ln. 19-40*).

14. Regarding claims 13 and 28, Kanevsky et al. further disclose that the server stores the acoustic model for the client device (*col. 4, ln. 29-46*) and the client device couples to the server through a network such that the server receives the speech data from the client device (*figure 1 and col. 4, ln. 29-65*).

15. Regarding claims 16-17 and 31-32, Kanevsky et al. further disclose that the speech data includes digitized raw speech data and extracted speech feature data (*col. 4, ln. 29-65*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 4, 14, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. (US Patent No. 6442519).



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17. Regarding claims 4, 14, and 29, Kanevsky et al. do not disclose that the client device includes local memory to store digitized raw speech data. However, the examiner takes official notice that a typical communication device would include memory buffer for storing digitized voice data before transmitting the voice data to the other communication device. The advantage of this is to enable the system to control the flow of the transmitting voice data, *thus it would have been obvious to use such in Kanevsky et al.*

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Examiner Huyen X. Vo

August 17, 2004

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A handwritten signature in black ink, appearing to read 'Huyen X. Vo', with a long horizontal stroke extending to the left.A handwritten signature in black ink, appearing to read 'W. R. Young', with a stylized, cursive script.

W. R. YOUNG  
PRIMARY EXAMINER